

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

ILLYA TRINCHER,

Defendants.

13 Cr. 268 (JMF)

**PETITION FOR ANCILLARY
PROCEEDING OF NICHOLAS
SCHULMAN**

Nicholas Schulman, by and through its attorneys, Sheppard, Mullin, Richter & Hampton, LLP, petitions this Court for an ancillary hearing pursuant to Title 21, United States Code, Section 853(n) and asserts its interest as an innocent third party with respect to certain property that has been ordered forfeited to the United States in the above-captioned case, as follows:

1. Mr. Schulman is a professional poker player and a resident of Nevada.

2. Mr. Schulman asserts an ownership interest in \$49,250 seized from JP Morgan

Chase Bank account number 759078777. This property consists of Mr. Schulman's winnings in legal professional poker games.

3. Mr. Schulman asserts that, pursuant to 21 U.S.C. § 853(n)(6), he has a legal right,

title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in Mr. Schulman rather than the defendant Illya Trinchler at the time of the commission of the acts that gave rise to the forfeiture of the property, because he was a bona fide purchaser for value of the right, title, and interest in the above described property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture, and/or because the government

cannot establish that the funds used to purchase the property were the proceeds of or traceable to the proceeds of the conduct of conviction.

4. Accordingly, Mr. Schulman seeks relief from this Court's Amended Consent Preliminary Order of Forfeiture as to Specific Property, filed April 21, 2014 (the "Forfeiture Order"), and hereby requests that this Court hold a hearing ancillary to the criminal conviction of Illya Trinchler at which the petitioner may present evidence and witnesses on its own behalf pursuant to 21 U.S.C. § 853(n)(5), and further that this Court amend the Forfeiture Order to recognize the ownership interest of Mr. Schulman as set forth herein.

DATED: New York, New York
August 11, 2014



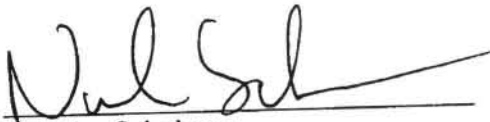
Kevin R. Puvalowski (KP-0091)
Sarah E. Aberg (SA-2681)
Sheppard, Mullin, Richter & Hampton LLP
30 Rockefeller Plaza, 24th Floor
New York, New York 10007
(212) 634-3033
kpuvalowski@sheppardmullin.com
saberg@sheppardmullin.com
Counsel for Petitioner
Nicholas Schulman

OATH

State of Nevada
County of Clark

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: August 11, 2014


Nicholas Schulman